

original

Before the
Federal Communications Commission
Washington, D.C. 20554

RECEIVED

MAY 3 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Section 73.606(b)) RM-
Table of Allotments)
TV Broadcast Stations)
(Memphis, Tennessee))

To: Chief, Allocations Branch
Policy and Rules Division

DOCKET FILE COPY ORIGINAL

Petition for Rule Making

Flinn Broadcasting Corporation ("Petitioner"), pursuant to Section 1.401 of the Commission's Rules and Regulations, hereby respectfully requests that the Table of Allotments contained in Section 73.606(b) of the Commission's Rules and Regulations be amended as follows:

Community

Proposed Channel No.

Memphis, TN

* 66

In support of this request, the following is respectfully submitted:

1. Memphis, Tennessee is designated as an incorporated city in the 1990 U.S. Census. Accordingly, Memphis, Tennessee represents a community within the definition of Section 73.1120 of the Commission's Rules.
2. Moreover, the proposed TV channel would provide a fourth local

No. of Copies rec'd
List ABCDE

024
MMB

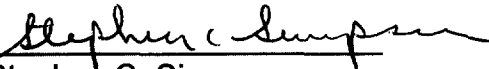
noncommercial TV broadcast service to Memphis, TN (i.e., including Channel *56 which was recently allotted to Memphis, TN by the Commission). Attached hereto is an Engineering Report and study which demonstrates that the proposed allotment of Channel *66 will comply with the minimum mileage separation requirements of Section 73.610 of the Commission's Rules. The proposed allotment can be made without a site restriction.

3. Flinn Broadcasting Corporation intends to establish a designated noncommercial subsidiary or other similarly structured organization which shall seek authority to construct the proposed noncommercial station. As such, should the Commission assign Channel *66 to Memphis, Tennessee, the Petitioner will promptly submit an FCC Form 340 application seeking to utilize the allotment. Upon a grant of its FCC Form 340 application, Petitioner will promptly build and operate a full service noncommercial TV broadcast station at Memphis, Tennessee. Should Petitioner's application become the subject of one or more competing applications, Petitioner intends to prosecute its application to the fullest extent possible under the Commission's rules and policies.

Wherefore, based on the foregoing, Petitioner respectfully requests that the Commission issue a Notice of Proposed Rule Making pursuant to Section 1.407 of the Commission's Rules and Regulations seeking public comment on the modification to Section 73.606(b) requested herein.

Respectfully submitted,

Flinn Broadcasting Corporation

By: 
Stephen C. Simpson
Its Attorney

1090 Vermont Avenue, N.W.
Suite 800
Washington, D.C. 20005
(202) 408-7035

EXHIBIT "*ENG*"

ENGINEERING EXHIBITS IN SUPPORT OF PETITION FOR RULEMAKING

Modification of 47 CFR §73.606(b)
to Specify UHF Television Channel 66* at
Memphis, Tennessee

Prepared for

Flinn Broadcasting Corp.
April, 1996

© 1996, D.C. Williams, Ph.D., P.E. All Rights Reserved



ENGINEERING STATEMENT OF D.C. WILLIAMS, Ph.D., P.E., CONSULTING ENGINEER

This Engineering Statement is prepared on behalf of Flinn Broadcasting Corp. in support of the instant Petition for Rulemaking seeking to modify 47 CFR §73.606(b) of the Commission's Rules and Regulations (the television "Table of Allotments") by adding UHF television channel 66* at Memphis, Tennessee.

A proposed transmitter site has been specified for allocation purposes which complies with all applicable provisions of 47 CFR § 73.610 and §73.698 with respect to all co-channel and adjacent channel stations. The following reference coordinates were used by the petitioner in the preparation of the appended exhibits:

NL 35° 12' 41
WL 89° 48' 54"

All computations of distance were performed in accordance with 47 CFR §73.208 with sufficient decimal figures to insure accuracy and were rounded to the nearest tenth of a kilometer pursuant to 47 CFR §73.611(d). No other facilities, existing or proposed, will be affected by the allotment of Channel 66* at Memphis, Tennessee.

The appended allocation data demonstrates that there is no notable restriction on the selection of a site for this allotment, and the petitioner believes that many potential sites exist which are suitable for use with this proposed allotment.

From the specified site, the proposal will be capable of providing satisfactory service to the corporate limits of the principal community in compliance with the provisions of 47 CFR §73.685.

In summary, the instant proposal complies with all applicable provisions of the Commission's Rules and Regulations, and it is respectfully requested that same be expeditiously processed



ENGINEERING STATEMENT OF D.C. WILLIAMS, Ph.D., P.E., CONSULTING ENGINEER**(Page 2)**

and subsequently granted.

Respectfully submitted,



D.C. Williams, Ph.D., P.E.
Consulting Engineer

April 30, 1996

Post Office Box 1888
Carson City, NV 89702
(702) 885-2400

CERTIFICATION OF ENGINEER

I HEREBY CERTIFY:

that I am a Registered Professional Engineer, a full member of the Association of Federal Communications Consulting Engineers, and an experienced Consulting and Forensic Engineer whose qualifications and previous works are a matter of record with the Federal Communications Commission in Washington, D.C.;

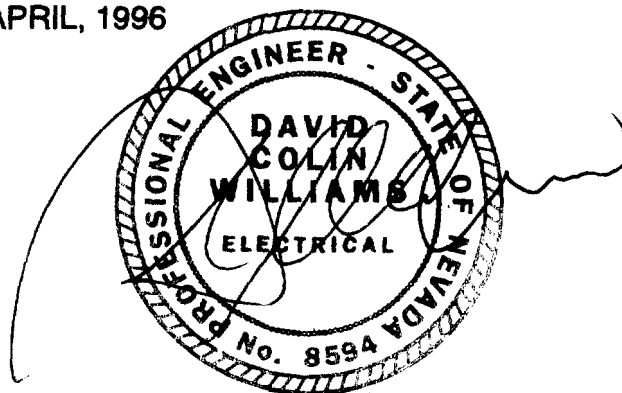
that I hold the degrees of Bachelor of Science in Physics, Master of Science in Electrical Engineering, and Doctor of Philosophy in Electrical Engineering, all awarded by The University of Nevada;

that I have been retained by Flinn Broadcasting Corp. to prepare the instant engineering exhibits;

that same has been prepared by me or under my immediate supervision;

and that, under penalty of perjury, all representations contained herein are true and correct to the best of my knowledge and belief.

EXECUTED ON THIS 30th DAY OF APRIL, 1996



D.C. Williams, P.E.
Consulting Engineer



SUMMARY OF ALLOCATION CONDITIONS

Job title: Proposed Memphis, TN
Channel: 66*

Latitude: 35 12 41
Longitude: 89 48 54

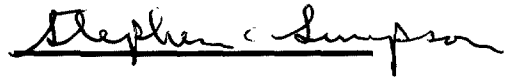
CH	Call	Record No.	City	ST Z	STS	Bear.	Dist.	Reqd. Dist.	Result
66-	WJFB	3482	LEBANON	TN 2	L	70.3	328.1	280.8	47.3
66-	WJFB	3483	LEBANON	TN 2	C	70.3	328.1	280.8	47.3

***** End of channel 66 study *****

Certificate of Service

I hereby certify that a copy of the foregoing document was this 3rd day of May, 1996 sent by First Class U.S. mail, postage prepaid, to the following:

John A. Karousos *
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W. Room 8322
Washington, D.C. 20036

A handwritten signature in cursive script, reading "Stephen C. Simpson", written over a horizontal line.

* By Hand Delivery to FCC's Mail Room.